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REMARKS/ARGUMENTS

I. Status

Claims 16-32 remain pending in the application. Though never amended, the claims are now rejected for the fourth time, once again over a newly-cited U.S. patent that issued long prior to the original office action in this case, mailed September 29, 2003.

The claims were originally rejected over U.S. Patent No. 5,841,654 to Verissimo, issued November 24, 1998. The rejection over this reference was withdrawn in view of Applicant's arguments.

The claims were then finally rejected under U.S. Patent No. 6,263,487, to Stripf, issued on July 17, 2001, long before examination of the claims. Applicant distinguished the claims over Stripf in a response submitted with a Request for Continued Examination, and the rejection was withdrawn.

The claims were once again rejected, this time over U.S. Patent No. 6,282,455 to Engdahl, issued August 28, 2001, long prior to the initial examination. Applicant again distinguished the claims and the rejection was effectively withdrawn: the Examiner asserts that Engdahl inherently discloses the claimed invention, an admission that Engdahl does not explicitly disclose the invention, and yet provides no showing as to how Engdahl necessarily requires all the limitations as claimed, as is required for anticipation by inherency.

The claims, which have never been substantively amended, now are rejected over U.S. Patent No. 5,611,059 to Benton, issued on March 11, 1997, which like the three previously applied references was available to be identified in the original search and examination. The Examiner's stated reasoning for citing this fourth reference in as many actions against the pending claims is "compact prosecution."

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II. Objection to Piecemeal Examination

Applicant wishes to make of record the observation that, as described above, the pending claims have been rejected on prior art grounds four separate times over four separate references. Each time, the applied art was available to be located on the initial search and to be applied against the claims at the time the initial search and examination was conducted leading to the first office action, dated September 29, 2003. The claims have not been substantively amended during the prosecution and thus did not necessitate any further search.

Piecemeal examination of applications is explicitly discouraged by the rules set forth in the Manual of Patent Examining Procedure, Section 707.07(g), and was avoidable in this case. Applicant therefore reserves the right to challenge this procedure before appropriate reviewing authorities, if necessary, at a later date.

III. Rejections Under 35 U.S.C. Sec. 102(b)

In each of the previous responses filed in this prosecution, which are incorporated herein by reference in their entirety, Applicant explained at length the nature of the "technology objects" that are recited in the pending claims. Also as discussed at length earlier in this prosecution, the present invention involves, among other advantages, the separation of control device functionality and technological functionality of controlled devices, allowing users to control technological functions without regard for the underlying functionality of the controlling devices. The claims, as presently presented, all call directly or indirectly for technology objects that, among other things, represent controlled objects for control purposes, be distributable over a plurality of control devices.

In addition, as described in the application at paragraph 0038, technology objects include not only technological functionality, but also "commands which determine the basic behavior of the technology object, e.g.,

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- command to reset in a defined starting state
- commands to reset specifically a pending error;
- commands to set and reset in simulation operation [];
- commands to make the technology object active/inactive;
- information functions."

The technology objects thus are used not merely to represent controlled devices, but for actual control of the devices (e.g., "executing positioning command[s]" as recited in paragraph 0040.

Sustaining a rejection of claims under 35 U.S.C. Sec. 102 as anticipated requires a showing of identical disclosure of all claim limitations. In addition to failing to disclose "technology objects" for the reasons set forth in previous responses and incorporated herein by reference, the pending claims distinguish the Benton patent as well as the Engdahl patent because those references do not disclose:

(i) distribution of technology objects on a plurality of industrial control devices, as recited or

(ii) the commands that in part characterize technology objects and determine their basic behavior, as set forth in the specification in providing a background description of "technology objects," or

(iii) objects that not only represent controlled physical devices but that include the capability to execute commands that control such devices.

Because all of the independent claims 16, 27, 29, 30 (as currently amended), and 32 directly or indirectly recite these (and other) limitations which are not disclosed by the Benton or Engdahl references, Applicant respectfully submits that the burden of proving anticipation has not been carried, nor are the claimed limitations taught or even suggested by those references.

For these reasons, independent claims 16, 27, 29 and 30, and the claims which depend from them, are submitted to recite allowable subject matter.

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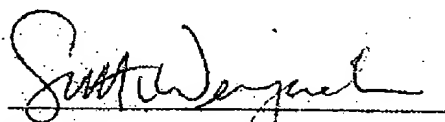
IV. CONCLUSION

Claims 16-32 are pending in the application, claim 30 having been amended. Applicant submits that the claims, for the reasons set forth above, recite patentable subject matter and are now in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

Other than as specified in the first paragraph of this communication, no fee is believed to be due in connection with this communication. However, if such additional fee is required, the Commissioner is authorized to charge the fee to Deposit Account No. 23-1703.

Dated: 8/29/05

Respectfully submitted,



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